



**CITY OF HAYWARD**  
**AGENDA REPORT**

AGENDA DATE 05/27/03

AGENDA ITEM 5

WORK SESSION ITEM \_\_\_\_\_

**TO:** Mayor and City Council

**FROM:** City Clerk

**SUBJECT:** Amendment of Zoning Ordinance Relative to Expiration of Discretionary Permits and Miscellaneous Clarifications and Corrections, Including Definition of a Garage, Bedroom, Home Occupation, Household Pets and Livestock

**RECOMMENDATION:**

It is recommended that the City Council adopt the attached Ordinance.

**BACKGROUND:**

The ordinance was introduced at the May 20, 2003, meeting of the City Council with the following vote:

AYES:	Council Members:	Jimenez, Hilson, Rodriquez, Ward, Dowling, Henson
	Mayor:	Cooper
NOES:	Council Members:	None
ABSENT:	Council Members:	None
ABSTAIN:	Council Members:	None

The ordinance was published in the Hayward Daily Review on May 24, 2003. Adoption at this time is therefore appropriate.

Prepared by:

  
Angelina Reyes, City Clerk

Approved by:

  
Jesús Armas, City Manager

Draft Ordinance

PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE BY THE CITY  
COUNCIL OF THE CITY OF HAYWARD

AN ORDINANCE AMENDING SECTION 10-1.1020,  
10-1.1045, 10-1.1115, 10-1.1125, 10-1.2735, 10-1.3255, 10-  
1.3055, 10-1.3155, 10-1.3355, 10-1.3510, 10-1.415, AND 10-  
1.525 OF ARTICLE 1 OF CHAPTER 10 OF THE HAYWARD  
MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Section 10-1.1020(a)(7) of the Hayward Municipal Code, relating to Conditionally Permitted Uses in the General Commercial (CG) District is hereby amended to add the following:

“(u) Recreational Facility.”

Section 2. Section 10-1.1045(h) of the Hayward Municipal Code relating to Minimum Design and Performance Standards in the General Commercial (CG) District for new automobile dealerships is hereby amended to add the following:

“(12) Any public address/telephone/employee communication system shall be maintained so as to not be audible outside the confines of the dealership property as determined by the Planning Director.”

Section 3. Section 10-1.1045(g) of the Hayward Municipal Code relating to Minimum Design and Performance Standards for Architectural Projections into yards is hereby amended to read as follows:

“Architectural Projections into Yards. Architectural features such as bay windows, cornices, canopies and awnings that are attached to the primary structure, and eaves may extend 2 feet into any required yard; landing places and open porches may extend 4 feet into a required rear yard.”

Section 4. Section 10-1.1115(a)(4) of the Hayward Municipal Code relating to Primary Uses in the Commercial Office (CO) District is hereby amended to read as follows:

“(4) Residential Uses.

- (a) Multiple-family dwellings;
- (b) small group homes associated with single-family dwellings.”

Section 5. Section 10-1.1125(b) of the Hayward Municipal Code relating to Lot Requirements is hereby amended to read as follows:

for processing and said application has not expired; or (b) business operations have commenced in accordance with all applicable conditions of approval.”

Section 10. Section 10-1.3055(a) of the Hayward Municipal Code relating to Lapse of Approval of Site Plan Review is hereby amended to read in its entirety as follows:

“Site Plan Review approval is void one year (24 months if a subdivision is concurrently involved) after the effective date of approval unless (a) either a building permit has been issued or a building permit application has been submitted for processing and said application has not expired; or (b) business operations have commenced in accordance with all applicable conditions of approval.”

Section 11. Section 10-1.3510 of the Hayward Municipal Code, Uses and Activities Defined, relating to the definition of Dwelling Unit, Bedroom, Garage, Household Pets, Livestock, and Home Occupation is hereby amended to read as follows:

“**BEDROOM.** An enclosed space in a structure which is designed such that it could be used for sleeping purposes as determined by the Planning Director. A bedroom typically meets the room dimension requirements of the most recent edition of the Uniform Building Code, is not accessed directly from the garage, and has one or more windows. “

“DWELLING UNIT.

b. Condominium dwelling(s): Any building, group of buildings, or portion thereof which includes two or more dwelling units, and for which there is a final map or parcel map. Condominium dwelling projects are usually governed by a Homeowners Association (HOA) with Covenants, Codes and Restrictions (CC&R's), and may include private recreational facilities. See Sections 10-1.400 and 10-1.500 for requirements. Within a condominium, ownership consists of the airspace within a unit and the building(s) and all land within the development are under common ownership.

f. Townhouse dwelling(s): Any building, group of buildings, or portion thereof which includes two or more attached dwelling units, and for which there is a final map or parcel map. Townhouse dwelling projects are usually governed by a Homeowners Association (HOA) with Covenants, Codes and Restrictions (CC&R's), and may include private recreational facilities. See Sections 10-1.400 and 10-1.500 for requirements. Townhouse ownership includes the building, the land beneath the building and typically a patio or small yard adjacent to the structure. The remaining land within the development is under common ownership.”

“**GARAGE.** A fully enclosed and covered attached or detached structure accessory to a residential use intended for storage of one or more motor vehicles used by the occupants of the premises; which does not have any permanent obstructions that would prevent vehicles parking within; which has garage doors that are operable; and which does not have rugs, linoleum or other non-fire-resistant coverings on the floor. For purposes of determining the existence of a one- or two-car garage, the minimum dimensions of an existing single-car garage wherein no permanent obstructions may occur is 10' wide x 19' deep, and the minimum dimensions of an existing double-car garage wherein no permanent obstructions may occur is 18' wide by 19'

deep. For purposes of this ordinance a garage of any dimension shall not be used as a habitable space. Construction of new garages shall have minimum interior dimensions of 11' wide x 19' deep for single-car garages and 20' wide x 19' deep for double-car garages."

"PETS, HOUSEHOLD. Small animals ordinarily and customarily domesticated and permitted in a dwelling and kept for company or pleasure and not for profit, such as dogs, cats, canaries, parakeets, fish, domestic mice, rats, guinea pigs, up to four (4) rabbits, or similar animals, as determined by the Planning Director. The keeping of more than four cats or dogs requires an "Animal Fancier's" Permit from the City Animal Control Officer."

"LIVESTOCK.

c. Small Livestock. Chickens, ducks, pigeons, five (5) or more rabbits, potbelly pigs, or similar small animals, as determined by the Planning Director."

"HOME OCCUPATION - EXPANDED. An expansion of the provisions of or variance to a home occupation as defined above regarding numbers of customers, hours of operation, sale of commodities produced on the premises (excluding sale of guns), and minor repair only."

Section 12. Section 10-1.415(a)(1) of the Hayward Municipal Code relating to Primary Uses in the Medium Density Residential (RM) District is hereby amended to add the following:

"(d) Multi-family dwellings."

Section 13. Section 10-1020(a)(3) of the Hayward Municipal Code relating to Conditionally Permitted Uses in the General Commercial District is hereby amended to read in its entirety as follows:

"Personal Services.

(a) Suntan parlor."

Section 14. Section 10-1.525(b) of the Hayward Municipal Code relating to Lot Requirements is hereby amended to add the following:

" (4) Townhouse Lot(s): Consistent with building footprint and printed project areas."

Section 15. Severance. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 16. Effective Date. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective upon its adoption.

Introduced at a regular meeting of the Hayward City Council held May 20, 2003, the above-entitled ordinance was introduced by Council Member Hilson.

This ordinance will be considered for adoption at the next meeting of the Hayward City Council, to be held on May 27, 2003, at 8:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this ordinance is available for examination by the public in the Office of the City Clerk.

DATED: May 24, 2003

Angelina Reyes  
City Clerk of the City of Hayward

"Minimum Lot Area Per Dwelling Unit: Same as permitted in RM or RH Districts, whichever is deemed consistent with the General Policies Plan Map and Neighborhood Plan; Townhouse Lot shall be consistent with building permit footprint and printed project areas."

Section 6. Section 10-1.2735(k) of the Hayward Municipal Code relating to Special Standards and Conditions for Certain Uses for Vehicle Parking, Repair, Display, and Storage Requirements is hereby amended to read as follows:

"The term "vehicle" as used in this section shall include an automobile or truck (excluding truck tractor or any vehicle exceeding a maximum gross weight limit of 6,000 pounds of gross vehicle weight) recreational vehicle, trailer, boat mounted on trailer, special interest vehicle, or other vehicle referenced in California Vehicle Code section 5051, and other vehicles of similar kind and use. In all zoning districts, use of any kind of vehicle as defined herein for living or sleeping purposes shall be prohibited except within mobile homes within an approved mobile home park."

Section 7. Section 10-1.3255(a) of the Hayward Municipal Code relating to Lapse of Approval of Conditional Use Permit is hereby amended to read in its entirety as follows:

"Conditional use permit approval is void one year (24 months if a subdivision is concurrently involved) after the effective date of approval unless (a) either a building permit has been issued or a building permit application has been submitted for processing and said application has not expired; or (b) business operations have commenced in accordance with all applicable conditions of approval."

Section 8. Section 10-1.3155(a) of the Hayward Municipal Code relating to Lapse of Approval of Administrative Use Permit is hereby amended to read in its entirety as follows:

"Administrative use permit approval is void one year after the effective date of approval unless (a) either a building permit has been issued or a building permit application has been submitted for processing and said application has not expired; or (b) business operations have commenced in accordance with all applicable conditions of approval."

"The term "vehicle" as used in this section shall include an automobile or truck (excluding truck tractor or any vehicle exceeding a maximum gross weight limit of 6,000 pounds of gross vehicle weight) recreational vehicle, trailer, boat mounted on trailer, special interest vehicle, or other vehicle referenced in California Vehicle Code section 5051, and other vehicles of similar kind and use. In all zoning districts, use of any kind of vehicle as defined herein for living or sleeping purposes shall be prohibited except within mobile homes within an approved mobile home park."

Section 9. Section 10-1.3355(a) of the Hayward Municipal Code relating to Lapse of Approval of Variance is hereby amended to read in its entirety as follows:

"Variance approval is void one year after the effective date of approval unless (a) either a building permit has been issued or a building permit application has been submitted